

# Disposition of the Independent Review Panel



Complainant: Noreen Legault

IRP Case: A 2003.087

Date: May 26, 2005

MDPD Case: GI 2003-0007

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The Independent Review Panel met on May 26, 2005 for the purpose of publicly reviewing the complaint made by Noreen Legault against the Miami-Dade Police Department and the department's response to that complaint. The following represents the findings of the Panel:

## A. Recommendations

That MDPD patrol car identification numbers be increased in size so that the number can be seen from a distance, even when the vehicles are moving.

## B. Incident

Ms. Legault was driving northbound on the Florida Turnpike when she observed an older model MDPD marked police vehicle approaching the turnpike from the entrance ramp, just north of Kendall Drive. Ms. Legault advised that the female officer crossed the northbound lanes, made a U-turn the median cutout and proceeded southbound on the Florida Turnpike. When Ms. Legault took evasive action to avoid hitting the police vehicle as it crossed lanes, she was struck by a vehicle driven by Richard Dixon.

While Ms. Legault was at the Kendall Station trying to identify the police vehicle with the complaint investigator Sergeant Darrell Rasmussen, she saw an officer who fit the description of the female driver. Sergeant Rasmussen introduced the female officer as his sister-in-law, Officer Rebecca Rasmussen.

## C. Allegation

An unknown white female officer, driving a marked vehicle, changed lanes in front of Mrs. Legault while traveling northbound on the Florida Turnpike, causing Ms. Legault to take evasive action and steer her vehicle into the path of another vehicle, resulting in a crash.

## D. Disposition of the Independent Review Panel

The Panel found the allegation to be **inconclusive**. The statements of Noreen Legault and Raymond Dixon regarding a police vehicle entering the Turnpike northbound, crossing the lanes of northbound traffic, making a U-turn in the median and heading southbound are consistent. However, the Panel did not find evidence to substantiate that the driver of the police vehicle caused Ms. Legault and Mr. Dixon to collide.

## **E. Other Findings**

1. Ms. Legault's complaint was investigated because she pursued it. The first MDPD employee with whom Ms. Legault spoke, gave an assumed explanation for the officer's behavior and did not take the complaint.
2. Sergeant Darrell Rasmussen's written summary of Ms. Legault's taped statement accurately reflects what Ms. Legault stated.
3. Although Officer Rebecca Rasmussen's description matches the description provided by Ms. Legault, the Panel found insufficient evidence to document that Officer Rebecca Rasmussen was the driver of the police vehicle seen near the location of the collision.

## **F. Observations to Promote Healthy Police/Citizen Interactions:**

1. When an MDPD official, who has no knowledge of the incident, justifies the involved officer's actions as reported by the citizen and refuses to take a complaint, the citizen perceives MDPD to be indifferent and that officers are covering up for each other.
2. When a citizen alleges wrongdoing on the part of a police officer, it is important for the citizen to provide concrete identifying information, so that MDPD can correctly identify the involved officer from its 3100 sworn officers.

The Independent Review Panel concluded the complaint on May 26, 2005.

# Independent Review Panel

## Committee Recommendation to the Panel

May 26, 2005

**Complaint:** A 2003.087

**MDPD Case:** GI 2003-0007

**Complainant:** Noreen Legault

**Accused Party:** Miami-Dade Police Department (MDPD), unknown white female police officer

**Date Complaint Received:** March 17, 2003

**Materials Reviewed:** Correspondence, MDPD file, audio taped statements, staff notes and committee notes

**Committee:** Rev. James Phillips, Panel Member; Carol Boersma, Executive Assistant to the Director; Linda Pierre, Conflict Resolution Specialist

Meeting Date: January 19, 2005

Present: From MDPD Professional Compliance Bureau: Sgt. Steven Signori and Sgt. Stephanie Daniels; Noreen Legault, complainant

**Complaint:** Ms. Legault stated that on Monday, December 23, 2002, at approximately 1:50 p.m., she was driving in the center lane, northbound on the Florida Turnpike approaching Kendall Drive, when she observed an older model MDPD marked police vehicle traveling northbound on the Turnpike entrance ramp, just north of Kendall Drive.

Ms. Legault stated that she slowed down because the white female officer appeared to be looking for something and was driving erratically. At that point, the officer started to cross the northbound lanes of traffic in an apparent attempt to get on the median. Ms. Legault advised that while the female officer was crossing the northbound lanes, she (the officer) stopped in Ms. Legault's lane. Ms. Legault entered the next left lane to avoid the police vehicle and was struck by Mr. Dixon, who was driving a white van in that lane.

Ms. Legault stated that the officer crossed behind her vehicle and stopped at the "Police Only" cutout. She and the officer made eye contact and that was when she obtained the officer's description. The officer proceeded through the median cutout and went southbound on the Florida Turnpike. Ms. Legault advised that she was unable to obtain the police vehicle's number, however she described the officer as a white female with bangs.

Florida Highway Patrol responded to the accident.

**Department Response - MDPD Investigative Report GI 2003-0007:** Sergeant Darrell Rasmussen investigated the allegation that an unknown white female officer, driving a marked vehicle, changed lanes in front of Mrs. Legault while traveling northbound on the Florida Turnpike, causing Ms. Legault to take evasive action and steer her vehicle into the path of another vehicle, resulting in a crash.

Raymond Dixon, the driver of the vehicle with which Ms. Legault crashed, stated that he saw an MDPD police vehicle driving northbound on the Turnpike just before the crash. Mr. Dixon did not see the police car cut across the path of Ms. Legault, but he did see it make a U-turn at the cutout and proceed south. He could not describe the driver.

During a photo lineup of White and Hispanic female officers, Ms. Legault identified one as the possible involved officer. The officer she identified was on vacation at the time of the incident. Sergeant Rasmussen also interviewed a white female officer who responded to a call in the area at the time of the incident. This officer stated she did not drive on the Turnpike.

After Ms. Legault identified the police vehicle as a Ford Crown Victoria, she was presented with photographs of all the female officers who were assigned that type of vehicle in Kendall, Hammocks and Doral Districts. Ms. Legault was unable to identify the driver. Ms. Legault also met with the Sergeant Rasmussen at the Kendall Station where she was presented Ford Crown Victoria police vehicles, model years 1996 to the present, in an attempt to identify the year of the vehicle involved in the incident. Mrs. Legault advised that the involved vehicle was older than the 1996 model. (Between 1993 and 1996, MDPD used Chevrolet Caprices.)

### **MDPD Conclusion**

Florida Highway Patrol Trooper Karla Rodriguez conducted an investigation and was unable to identify the driver of the MDPD marked vehicle. Trooper Rodriguez advised that due to conflicting statements, no citations were issued. She also noted that due to the lack of independent witnesses, the involvement of an MDPD officer as a contributing cause in the crash could not be verified.

According to Ms. Legault's statement and the description of the police vehicle involved in this incident, it was determined that the MDPD did not have any 1992 or earlier year Ford Crown Victorias in its inventory.

After viewing the Professional Compliance Bureau (PCB) file photographs of all the White and Hispanic female officers employed by the MDPD, Ms. Legault was unable to identify the driver of the police vehicle involved in her complaint.

All attempts to identify the MDPD officer involved in this case were unsuccessful. After exhausting all available investigative leads, complaint investigator Sergeant Darrell Rasmussen concluded that this case should be classified as a General Investigation and re-visited, should any other information of investigative value develop in the future.

**Committee Remarks:** Sergeants Steven Signori and Stephanie Daniels represented PCB at the committee meeting. Sergeant Rasmussen was not present. The committee discussed the following:

### **The PCB investigation**

Ms. Legault identified the following errors in the PCB report:

1. The sentence in the summary of Ms. Legault's statement that reads: "[Ms. Legault] advised she observed a...marked police vehicle...with its overhead emergency lights on," is incorrect. Ms. Legault stated she was very clear in her statement to Sergeant Rasmussen that the lights on the police vehicle were **not** on, however in the report it states that she said the lights **were** on.
2. The FHP Trooper's accident diagram and statement that the officer continued northbound on the Turnpike is inaccurate. Both Ms. Legault and Mr. Dixon stated that the officer entered the Turnpike northbound, made a U-turn at the cutout, and proceeded southbound.

### **The description of the officer's vehicle**

Ms. Legault stated that the effort to find the officer was based on two things: her physical description and the vehicle description. Ms. Legault described the vehicle as a Ford Crown Victoria, but different from other MDPD vehicles. This vehicle had an unusually large trunk and the words "Crown Victoria" written where other vehicles had "police interceptor" written.

Ms. Legault stated that Sergeant Rasmussen told her she could not go on a police lot to try to identify the vehicle. At that point she called the Independent Review Panel (IRP) and the PCB Captain because she felt the sergeant was not diligently pursuing identification of the vehicle. Subsequent to Ms. Legault's conversation with the Captain, Sergeant Rasmussen met her at the Kendall Station where she was shown all models of Crown Victorias in the MDPD inventory. She was unable to identify the involved vehicle.

### **The description of the officer**

Ms. Legault described the officer as a white female with straight bangs and long blond hair pulled back in a pony tail. While she was at the Kendall station with Sergeant Rasmussen looking at police cars, a young female officer who fit the description arrived. This officer approached Sergeant Rasmussen in a very friendly manner and the sergeant introduced her as his sister-in-law. Sergeant Rasmussen told Ms. Legault his sister-in-law's picture was not included in those shown to Ms. Legault because she worked at a station up north at the time of the incident (12/23/02). Ms. Legault stated the sister-in-law transferred to the Kendall Station in Jan 2003, and she lives in South Dade, so it is possible she was in the area at the time of the incident.

### **Initial citizen contact with the public**

Ms. Legault stated that the day after the accident she called police headquarters to report the incident and the woman that took the call told her the officer probably did not see her. The lady would not take the complaint. Ms. Legault then called the Mayor's office. Subsequently, Sergeant Rasmussen called her.

Sergeant Signori responded that sometimes an employee will assume there was a misunderstanding and try to correct it, however anyone who wants to file a complaint can do so.

### **Committee Request**

The committee asked Sergeant Signori to follow-up on Ms. Legault's concerns regarding Sergeant Rasmussen's sister-in-law: Her description, the description of the vehicle she was driving on 12/23/02 and her location at the time of the incident.

**Staff Remarks:** After the meeting, IRP Staff person Carol Boersma listened to the taped statements of Ms. Legault and Mr. Dixon. Twice Ms. Legault stated that the officer had her lights on but no siren. Ms. Boersma played the tape for Ms. Legault over the phone. Mr. Dixon was not asked if the officer's lights were on, nor did he comment on the matter.

On April 19, 2005, Ms. Boersma spoke with Professional Compliance Bureau Major Ricky Smith regarding the committee's request. Major Smith stated the following:

Officer Rebecca Rasmussen is a white female with shoulder length brownish hair cut with bangs. Officer Rebecca Rasmussen stated she lives in the south end of the County and she was at home at the time of the incident. Officer Rebecca was driving a 2001 Crown Victoria, green and white [marked vehicle], at the time of the incident. The vehicle described by Ms. Legault is a 1996 model Crown Victoria.

### **Committee Findings:**

#### **A. Regarding the allegation**

An unknown white female officer, driving a marked vehicle, stopped in Mrs. Legault's lane while crossing lanes northbound on the Florida Turnpike in an attempt to reach the median, causing Ms. Legault to take evasive action and steer her vehicle into the path of another vehicle, resulting in a crash.

The committee found the allegation to be **inconclusive**. The statements of Noreen Legault and Raymond Dixon regarding a police vehicle entering the Turnpike northbound, crossing the lanes of northbound traffic, making a U-turn in the median and heading southbound are consistent. However, the committee did not find evidence to substantiate that the driver of the police vehicle caused Ms. Legault and Mr. Dixon to collide.

**B. Other Findings:**

1. Ms. Legault's complaint was investigated because she pursued it. The first MDPD employee with whom Ms. Legault spoke, gave an explanation for the officer's behavior and did not take the complaint.
2. Sergeant Darrell Rasmussen's written summary of Ms. Legault's taped statement accurately reflects what Ms. Legault stated.
3. Although Officer Rebecca Rasmussen's description matches the description provided by Ms. Legault, the committee found insufficient evidence to document that Officer Rebecca Rasmussen was the driver of the police vehicle seen near the location of the collision.

**Observations to Promote Constructive Police/Citizen Interactions:**

1. When an MDPD official, who has no knowledge of the incident, justifies the involved officer's actions as reported by the citizen and refuses to take a complaint, the citizen perceives MDPD to be indifferent and that officers are covering up for each other.
2. When a citizen alleges wrongdoing on the part of a police officer, it is important for the citizen to provide concrete identifying information, so that MDPD can correctly identify the involved officer from its 3100 sworn officers.

**Recommendations:** The committee recommends that the Panel adopt the committee findings and conclude the complaint.